



City Council Chambers  
3300 Capitol Avenue  
Fremont, California

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### City Council

Bob Wasserman, Mayor  
Anu Natarajan, Vice Mayor  
Bob Wieckowski  
Bill Harrison  
Suzanne Lee Chan

### City Staff

Fred Diaz, City Manager  
Harvey E. Levine, City Attorney  
Melissa Stevenson Dile, Deputy City Manager

Dawn G. Abrahamson, City Clerk  
Harriet Commons, Finance Director  
Marilyn Crane, Information Technology Svcs. Dir.  
Daren Fields, Economic Dev. Director  
Annabell Holland, Parks & Recreation Dir.  
Norm Hughes, City Engineer  
Jill Keimach, Community Dev. Director  
Bruce Martin, Fire Chief  
Jim Pierson, Transportation & Ops Director  
Michael Rich, Human Resources Director  
Jeff Schwob, Planning Director  
Suzanne Shenfil, Human Services Director  
Craig Steckler, Chief of Police  
Elisa Tierney, Redevelopment Director

## City Council Agenda and Report [Redevelopment Agency of Fremont]

### General Order of Business

1. Preliminary
  - Call to Order
  - Salute to the Flag
  - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
  - Public Hearings
  - Appeals
  - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

### Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

### Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



## **Addressing the Council**

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

## **Oral Communications**

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

**To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.**

**The City Council Agendas may be accessed by computer at the following Worldwide Web Address: [www.fremont.gov](http://www.fremont.gov)**

## **Information**

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website ([www.Fremont.gov](http://www.Fremont.gov)).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

## **Availability of Public Records**

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk  
City of Fremont  
3300 Capitol Avenue, Bldg. A  
Fremont, California 94538  
Telephone: (510) 284-4060

*Your interest in the conduct of your City's business is appreciated.*

**NOTICE AND AGENDA OF SPECIAL MEETING  
CLOSED SESSION  
CITY OF FREMONT**

**DATE:** Tuesday, July 7, 2009

**TIME:** 6:30 p.m.

**LOCATION:** Fremont Room, 3300 Capitol Avenue, Fremont

The City will convene a special meeting. It is anticipated the City will immediately adjourn the meeting to a closed session to confer with and receive advice from its attorney regarding upcoming employee negotiations, as follows:

- 1) **CONFERENCE WITH LABOR NEGOTIATOR:** The City Council will hold a special meeting which will commence as an open meeting and then adjourn to a closed session as authorized by subdivision (a) of Section 54957.6 of the Government Code for the purpose of reviewing its position for upcoming employee negotiations and for instructing Fred Diaz, City Manager; Melissa Dile, Deputy City Manager; Michael Rich, Human Resources Director; Harvey Levine, City Attorney; Designated Representatives Diana Doughtie and Fran Buchanan as the City's negotiators regarding salaries, salary schedules, compensation paid in the form of fringe benefits of its represented and unrepresented employees, and for any other matters within the statutorily provided scope of representation.

The names of the organizations representing employees in question are:

Fremont Association of Management Employees  
Fremont Association of City Employees  
Operating Engineers  
Teamsters Local 856  
Fremont Police Association  
Professional Engineers and Technicians Association

- 2) **CONFERENCE WITH LABOR NEGOTIATOR:** The City Council will hold a special meeting which will commence as an open meeting and then adjourn to a closed session as authorized by subdivision (a) of Section 54957.6 of the Government Code for the purpose of reviewing its position for upcoming employee negotiations and for instructing Fred Diaz, City Manager; Melissa Dile, Deputy City Manager; Michael Rich, Human Resources, Human Resources Director; Harvey Levine, City Attorney; Designated Representatives Diana Doughtie and Fran Buchanan as the City's negotiators regarding salaries, salary schedules, compensation paid in the form of fringe benefits of its represented and unrepresented employees, and for any other matters within the statutorily provided scope of representation.

The names of the organizations representing employees in question are:

Fremont Fire Fighters  
Fremont Fire Fighters Battalion Chiefs

This Special Meeting is being called by Mayor Wasserman.



**AGENDA**  
**FREMONT CITY COUNCIL REGULAR MEETING**  
**JULY 7, 2009**  
**COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A**  
**7:00 P.M.**

**1. PRELIMINARY**

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

**2. CONSENT CALENDAR**

*Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.*

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances  
(This permits reading the title only in lieu of reciting the entire text.)*

- 2.2 *Approval of Minutes – None*

- 2.3 *Second Reading and Adoption of an Ordinance of the City of Fremont, Amending Fremont Municipal Code Planning and Zoning, Title VIII, Chapter 9, Article 2 and Sections 8-9104, 8-9201 and 8-9202, of the Fremont Municipal Code Regarding the Time of Payment of Development Impact Fees*

*RECOMMENDATION: Adopt ordinance.*

- 2.4 *Second Reading and Adoption of an Ordinance of the City of Fremont, Adding Fremont Municipal Code Title V, Chapter 7.5 Regarding Video Service Providers*

*RECOMMENDATION: Adopt ordinance.*

- 2.5 *Second Reading and Adoption of an Ordinance of the City of Fremont, Amending Fremont Municipal Code Title II, Chapter 10 Regarding Prohibitions on Former City Officials and on Designated Former Employees*

*RECOMMENDATION: Adopt ordinance.*

2.6 **AGREEMENT WITH THE COUNTY OF ALAMEDA REGARDING COLLECTION OF TAXES AND ASSESSMENTS FOR FISCAL YEAR 2009/2010**

*Approval of Certification and Mutual Indemnification Agreement with the County of Alameda Regarding Collection of Taxes and Assessments on the Fiscal Year 2009/2010 Secured Property Tax Bill*

**Contact Person:**

<b>Name:</b>	<i>Joan A. Borger</i>	<i>Harvey E. Levine</i>
<b>Title:</b>	<i>Assistant City Attorney</i>	<i>City Attorney</i>
<b>Dept.:</b>	<i>City Attorney's Office</i>	<i>City Attorney's Office</i>
<b>Phone:</b>	<i>510-284-4035</i>	<i>510-284-4032</i>
<b>E-Mail:</b>	<i>jborger@fremont.gov</i>	<i>hlevine@fremont.gov</i>

**RECOMMENDATION:** *Adopt resolution Approving the Certification and Mutual Indemnification Agreement with the County of Alameda, and authorize the City Attorney to sign the agreement on behalf of the City.*

2.7 **NEIGHBORHOOD STABILIZATION PROGRAM PHASE 2 CONSORTIUM AGREEMENT**

*Approval of Consortium Agreement with Alameda County for the Purpose of Submitting an Application to the Department of Housing and Urban Development for Neighborhood Stabilization Program Phase 2 Funding Created by the American Recovery and Reinvestment Act of 2009*

**Contact Person:**

<b>Name:</b>	<i>Lucia Hughes</i>	<i>Suzanne Shenfil</i>
<b>Title:</b>	<i>Management Analyst II</i>	<i>Director</i>
<b>Dept.:</b>	<i>Human Services</i>	<i>Human Services</i>
<b>Phone:</b>	<i>510-574-2043</i>	<i>510-574-2051</i>
<b>E-Mail:</b>	<i>lhughes@fremont.gov</i>	<i>sshensfil@fremont.gov</i>

**RECOMMENDATION:** *Adopt a resolution authorizing the City Manager or his designee to execute the NSP 2 Consortium Agreement with Alameda County, and any subsequent funding agreement with Alameda County, and any other implementing documents.*

2.8 **CONSIDER A RESOLUTION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF THE CITY'S STREET MAINTENANCE FUNDS**

*Consider a Resolution Authorizing the City Attorney to Cooperate With the League of California Cities, Other Cities and Counties in Litigation Challenging the Constitutionality of any Seizure by State Government of the City's Street Maintenance Funds*

*Contact Person:*

<i>Name:</i>	<i>Maya Williams</i>	<i>Melissa Stevenson Dile</i>
<i>Title:</i>	<i>Management Analyst</i>	<i>Deputy City Manager</i>
<i>Dept.:</i>	<i>City Manager's Office</i>	<i>City Manager's Office</i>
<i>Phone:</i>	<i>510-284-4013</i>	<i>510-284-4005</i>
<i>E-Mail:</i>	<i>mwilliams@fremont.gov</i>	<i>mdile@fremont.gov</i>

*RECOMMENDATION: Adopt a resolution authorizing the City Attorney to cooperate with the League of California Cities, other cities and counties in litigation challenging the constitutionality of any seizure of the City's street maintenance funds by the State.*

**2.9 CLEAN TECHNOLOGY BUSINESS TAX EXEMPTION**

*Introduce an Ordinance to Amend the Fremont Municipal Code Title V, Chapter 1, to Create an Exemption for Clean Technology Businesses from Payment of Business Taxes for a Defined Period of Time and Associated Minor Changes to the Business Tax Ordinance*

*Contact Person:*

<i>Name:</i>	<i>Lori Taylor</i>	<i>Harriet Commons</i>
<i>Title:</i>	<i>Manager</i>	<i>Director</i>
<i>Dept.:</i>	<i>Economic Development</i>	<i>Finance</i>
<i>Phone:</i>	<i>510-284-4024</i>	<i>510-284-4010</i>
<i>E-Mail:</i>	<i>ltaylor@fremont.gov</i>	<i>hcommons@fremont.gov</i>

**RECOMMENDATIONS:**

- 1. Hold public hearing.*
- 2. Find the project exempt from the California Environmental Quality Act under CEQA Guideline 15061(b)(3) in that it can be seen with certainty it will not have a significant effect on the environment.*
- 3. Waive full reading and introduce an Ordinance amending Title V of the Fremont Municipal Code by amending Chapter 1, the Business Tax Ordinance, to create a temporary exemption for clean technology businesses from payment of business taxes, and making minor amendments to the existing ordinance to update and clarify its provisions, as set forth in the draft ordinance attached hereto.*
- 4. Direct staff to prepare and the city clerk to publish a summary of this ordinance.*

**3. CEREMONIAL ITEMS - None**

**4. PUBLIC COMMUNICATIONS**

**4.1 Oral and Written Communications**

**REDEVELOPMENT AGENCY – The Redevelopment Agency Board will convene at this time and take action on the agenda items listed on the Redevelopment Agency Agenda. See separate agenda (yellow paper).**

**PUBLIC FINANCING AUTHORITY – None**

**CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR**

**5. SCHEDULED ITEMS – None.**

**6. REPORT FROM CITY ATTORNEY**

6.1 Report Out from Closed Session of Any Final Action

**7. OTHER BUSINESS**

7.1 EAST-WEST CONNECTOR (ROUTE 84 OPTION 2) PROJECT – ADOPTION OF A RESOLUTION MAKING ENVIRONMENTAL FINDINGS, OVERRIDING CONSIDERATIONS AND APPROVING THE PROJECT  
Consideration of Adoption of a Resolution Making Environmental Findings, Statement of Overriding Considerations, and Project Approval for the East-West Connector (Route 84 Option 2) Project

Contact Person:

Name:	Kelly Diekmann	Jim Pierson
Title:	Senior Planner	Director
Dept.:	Community Development	Transportation and Operations
Phone:	510-494-4540	510-494-4722
E-Mail:	kdiekmann@fremont.gov	jpierson@fremont.gov

RECOMMENDATION:

1. Approve the East-West Connector Project
2. Adopt a Resolution Making Findings as a Responsible Agency Pursuant To California Environmental Quality Act For The East-West Connector Project (Route 84, Option 2) For Which Alameda County Transportation Authority (ACTA) Is The Lead Agency and Approving the Project.



**7.2 AWARD SERVICE AGREEMENT FOR THE NILES TRAIN DEPOT  
PEDESTRIAN CROSSING STUDY**

Award Service Agreement for the Niles Train Depot Pedestrian Crossing Feasibility Study in the Amount of \$250,000 to Mark Thomas & Company

**Contact Person:**

Name:	Josh Huber	Rene Dalton
Title:	Redevelopment Project Manager	Associate Transportation Engineer
Dept.:	Redevelopment Agency	Transportation & Operations
Phone:	510-494-4513	510-494-4535
E-Mail:	jhuber@fremont.gov	rdalton@fremont.gov

**RECOMMENDATIONS:**

1. Authorize the City Manager, or his designee, to execute a Professional Services Agreement in the amount not to exceed \$250,000 with Mark Thomas & Company, Inc., for the Niles Train Depot Pedestrian Crossing Feasibility Study; and
2. Transfer appropriation of \$250,000 from 951 RDA 2120 to 951 PWC 8715.

**7.3 CONTINUED DISCUSSION OF VISION AND FRAMEWORK FOR GENERAL  
PLAN 2030**

**Contact Person:**

Name:	Dan Schoenholz	Jeff Schwob
Title:	General Plan Update Project Manager	Planning Director
Dept.:	Community Development	Community Development
Phone:	510-494-4438	510-494-4527
E-Mail:	dschoenholz@fremont.gov	jschwob@fremont.gov

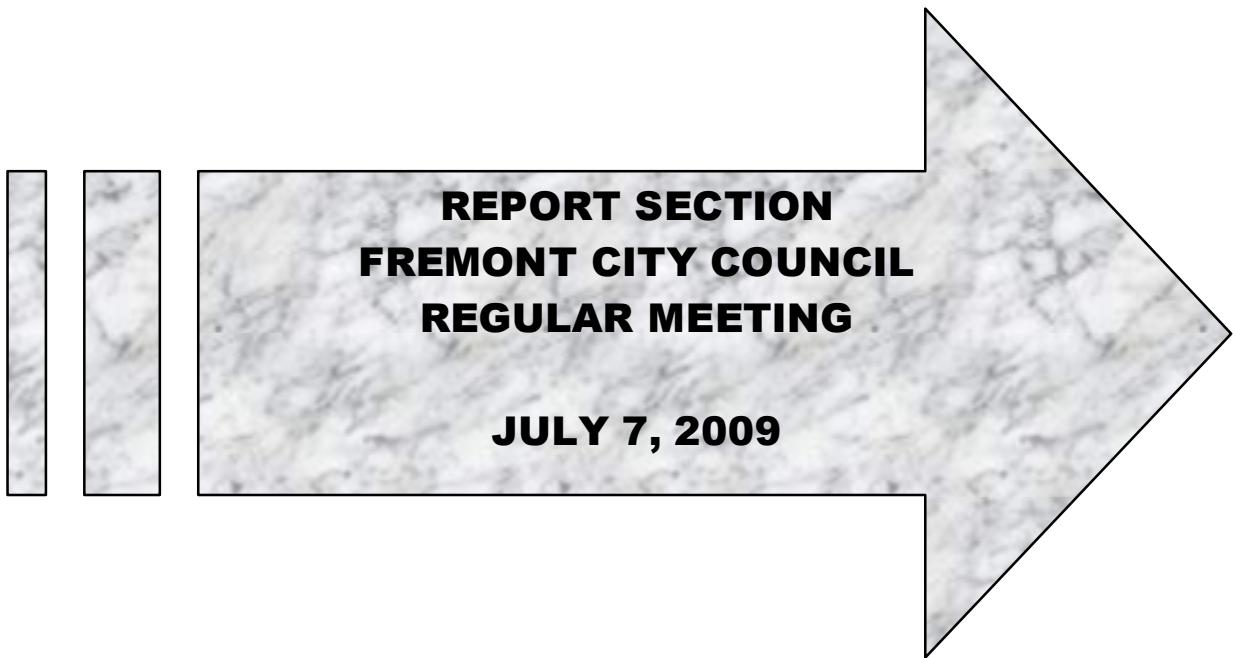
**REQUESTED OUTCOMES:**

1. Receive presentation.
2. Receive public comment.
3. Provide general direction to staff.

**8. COUNCIL COMMUNICATIONS**

- 8.1 Council Referrals – None.
- 8.2 Oral Reports on Meetings and Events

**9. ADJOURNMENT**



**REPORT SECTION  
FREMONT CITY COUNCIL  
REGULAR MEETING**

**JULY 7, 2009**

**\*2.3 Second Reading and Adoption of an Ordinance of the City of Fremont, Amending Fremont Municipal Code Planning and Zoning, Title VIII, Chapter 9, Article 2 and Sections 8-9104, 8-9201 and 8-9202, of the Fremont Municipal Code Regarding the Time of Payment of Development Impact Fees**

**ENCLOSURE:** [Draft Ordinance](#)

**RECOMMENDATION:** Adopt ordinance.

**\*2.4 Second Reading and Adoption of an Ordinance of the City of Fremont, Adding Fremont Municipal Code Title V, Chapter 7.5 Regarding Video Service Providers**

**ENCLOSURE:** [Draft Ordinance](#)

**RECOMMENDATION:** Adopt ordinance.

**\*2.5 Second Reading and Adoption of an Ordinance of the City of Fremont, Amending Fremont Municipal Code Title II, Chapter 10 Regarding Prohibitions on Former City Officials and on Designated Former Employees**

**ENCLOSURE:** [Draft Ordinance](#)

**RECOMMENDATION:** Adopt ordinance

**\*2.6 AGREEMENT WITH THE COUNTY OF ALAMEDA REGARDING COLLECTION OF TAXES AND ASSESSMENTS FOR FISCAL YEAR 2009/2010**

**Approval of Certification and Mutual Indemnification Agreement with the County of Alameda Regarding Collection of Taxes and Assessments on the Fiscal Year 2009/2010 Secured Property Tax Bill**

**Contact Person:**

Name:	Joan A. Borger	Harvey E. Levine
Title:	Assistant City Attorney	City Attorney
Dept.:	City Attorney's Office	City Attorney's Office
Phone:	510-284-4035	510-284-4032
E-Mail:	jborger@fremont.gov	hlevine@fremont.gov

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**Executive Summary:** Each fiscal year, the City transmits to the County of Alameda a list of assessments and taxes which the County collects on behalf of the City. For fiscal year 2009/2010, the City will include assessments for all local improvement districts, all landscape maintenance districts, the clean water protection fee, the paramedic tax, and the Fire Safety General Obligation Bond Tax. The City is responsible for determining the amount of each assessment or tax in accordance with applicable laws, including the requirements of Proposition 218 (which added Articles XIIC and XIID to the California Constitution).

In order for the County to collect the assessments or taxes on behalf of the City, the County requires the City to sign a "Certification and Mutual Indemnification Agreement" by which the City agrees to protect the County from any legal action based on the City's failure to comply with the provisions added by Proposition 218. In return, the County agrees to collect the assessments and taxes on behalf of the City and the County protects the City from any legal action based on the County's sole negligence in assessing, distributing, or collecting the assessments or taxes.

**ENCLOSURE:** [Draft Resolution](#).

**RECOMMENDATION:** Adopt resolution Approving the Certification and Mutual Indemnification Agreement with the County of Alameda, and authorize the City Attorney to sign the agreement on behalf of the City.

**\*2.7 NEIGHBORHOOD STABILIZATION PROGRAM PHASE 2 CONSORTIUM AGREEMENT**

**Approval of Consortium Agreement with Alameda County for the Purpose of Submitting an Application to the Department of Housing and Urban Development for Neighborhood Stabilization Program Phase 2 Funding Created by the American Recovery and Reinvestment Act of 2009**

**Contact Person:**

Name:	Lucia Hughes	Suzanne Shenfil
Title:	Management Analyst II	Director
Dept.:	Human Services	Human Services
Phone:	510-574-2043	510-574-2051
E-Mail:	lhughes@fremont.gov	sshensif@fremont.gov

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**Executive Summary:** Staff recommends that the City Council authorize the City Manager or his designee to enter into a Consortium Agreement with Alameda County for the purpose of submitting an application to the Department of Housing and Urban Development (HUD). The application would be for funding from Phase 2 of the Neighborhood Stabilization Program (NSP 2), which was created through the American Recovery and Reinvestment Act of 2009.

**BACKGROUND:** The original Neighborhood Stabilization Program (NSP) was signed into law on July 30, 2008 as part of the Housing and Economic Recovery Act (HERA). The Program provides targeted assistance to state and local governments to acquire and redevelop abandoned and/or foreclosed homes, and residential properties that might otherwise become sources of blight within their communities. The City, along with some other cities within Alameda County, did not receive a direct NSP allocation from HUD based on HUD's assessment of greatest need. HUD allocated funds directly to the State, which in turn distributed a portion of the funds to cities that did not receive a direct allocation. In order to apply to the NSP program, the State required cities like Fremont to enter into a joint agreement with neighboring cities to reach a minimum application threshold of \$1 million. On April 7, 2009, the City Council approved a joint agreement to participate in this program with the cities of Berkeley, Livermore, San Leandro, and Union City, with the City of Livermore acting as the lead agency.

In February 2009, the American Recovery and Reinvestment Act of 2009 (ARRA) was signed into law and authorized an additional \$2 billion nationwide for a second round of Neighborhood Stabilization Program funding, also known as NSP 2. NSP 2 funding may be used for the same purposes as provided in the original NSP program. Eligible uses of funds under the original NSP program are as follows:

1. Purchase and rehabilitate homes to sell, rent or redevelop.
2. Create land banks for homes that have been foreclosed upon.
3. Demolish blighted structures.
4. Redevelop demolished or vacant properties.
5. Establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties.

The minimum application amount for NSP 2 is \$5 million and the recipient of NSP 2 funds must use the funds in ways that would either return a minimum of 100 abandoned or foreclosed homes back to productive use or otherwise eliminate or mitigate their negative effects on the stability of the target geography within three years.

**DISCUSSION/ANALYSIS:** In June 2009, a meeting was held by representatives of Alameda County and several Alameda County cities to discuss the potential of submitting a joint application to HUD for NSP 2 funding, with the intention of establishing a consortium or collaborative effort in order to be more competitive in the funding application. The consortium is planning to request approximately \$11M in NSP 2 funds. The application is due to HUD on July 17. Given the short turnaround time frame, staff from Alameda County and the cities of Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, San Leandro, Pleasanton, and Union City agreed to develop broad parameters of participation and present them to each jurisdiction's respective governing body.

The Consortium Agreement would include these broad terms:

1. The purpose of the Consortium is to submit a joint application for NSP 2 Program grant funds.
2. Alameda County HCD would serve as the lead member and enter into a standard agreement with HUD should the Consortium be funded.
3. Alameda County HCD would administer the funds on behalf of the Consortium.
4. Each member city of the Consortium would execute a funding agreement with the County by December 1, 2009, should the Consortium be funded. The funding agreement would include greater detail on program requirements and timetables for completion of NSP 2 activities.
5. The County would undertake any required environmental review for any funded activity.
6. The agreement would remain in effect until either HUD denies the application or all NSP 2 funds are expended and activities are completed, whichever is earlier.

As with the original NSP agreement, the City would not own any properties acquired by NSP 2 funds, nor would it be responsible for ongoing maintenance and operating costs incurred by the NSP 2 property(ies). Depending on the availability and affordability of foreclosed properties in the South County, there may be a possibility that NSP 2 funds will be used to support one or more projects in Fremont, Union City or Newark, benefiting residents of these cities. Another possibility for the use of the NSP 2 funds is to support one or more regional projects to serve residents from multiple jurisdictions beyond the South County. This would allow the City to continue to play a leadership role and to work collaboratively with other organizations to maintain and expand the range of housing alternatives in Alameda County. This is consistent with the City's Housing Goals and Policies.

Regardless of where the project(s) would reside, the NSP 2 program would benefit Alameda County individuals and families whose incomes do not exceed 120% of area median income by undertaking one or more eligible activities as previously described.

**FISCAL IMPACT:** The NSP 2 program does not require match funding from the City or the County. The County would handle the great majority of the administrative tasks including preparing and submitting the application, conducting the Request for Proposal process, entering into sub-recipient agreements with non-profit developers, as well as environmental review.

**ENVIRONMENTAL REVIEW:** The County would undertake environmental review on any funded activity in accordance with the National Environmental Policy Act (NEPA), as amended, and implementing regulations set forth in 24 CFR Part 58.

**ENCLOSURE:** [Draft Resolution](#)

**RECOMMENDATION:** Adopt a resolution authorizing the City Manager or his designee to execute the NSP 2 Consortium Agreement with Alameda County, and any subsequent funding agreement with Alameda County, and any other implementing documents.

**\*2.8 CONSIDER A RESOLUTION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF THE CITY'S STREET MAINTENANCE FUNDS**

**Consider a Resolution Authorizing the City Attorney to Cooperate With the League of California Cities, Other Cities and Counties in Litigation Challenging the Constitutionality of any Seizure by State Government of the City's Street Maintenance Funds**

**Contact Person:**

Name:	Maya Williams	Melissa Stevenson Dile
Title:	Management Analyst	Deputy City Manager
Dept.:	City Manager's Office	City Manager's Office
Phone:	510-284-4013	510-284-4005
E-Mail:	mwilliams@fremont.gov	mdile@fremont.gov

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**Executive Summary:** On June 11, 2009, the Legislative Budget Conference Committee approved a proposal to seize local revenues to fund the State budget. Statewide, the proposal would take almost \$1 billion in city and county shares of Highway Users Tax Account (HUTA) revenues from the motor fuel tax (or gas tax) and about \$700 million the following year. Those funds would be used to fund past and future highway bond debt service payments from the State's general fund.

The League of California Cities' attorneys have determined that these actions, if enacted into law, would be unconstitutional.

**BACKGROUND:** Governor Schwarzenegger's proposed budget includes taking gas tax revenues that are passed down to cities and counties to pay the debt service on State Transportation Bonds. The current proposal would take all of Fremont's FY 2009/10 gas tax and then take 75% of gas tax after that. According to the Metropolitan Transportation Commission (MTC), this would result in a loss for Fremont of over \$3.2 million in FY 2009/10 and over \$2.4 million in FY 2010/11 and beyond.

In most years, about \$2.1 million of Fremont's gas tax revenue is used as part of the operating budget. \$1.2 million of that is for street maintenance and about \$900,000 is for traffic signal operations and maintenance. The rest goes to street maintenance contracts like overlays and slurry seals, and in some years to small capital projects.

This proposal, if adopted, would have a devastating impact on Fremont's street maintenance in terms of both maintenance contracts and internal staff maintenance of City streets. In addition to gas tax, the City receives about \$2 million per year in Prop. 42 funding for street maintenance and approximately \$1 million per year of Alameda County Transportation Improvement Authority (ACTIA) Measure B funds. Therefore, if this proposal is adopted, it would result in an ongoing loss of approximately 40% of Fremont's street maintenance funding.

**ENCLOSURE:** [Draft Resolution](#)



**RECOMMENDATION:** Adopt a resolution authorizing the City Attorney to cooperate with the League of California Cities, other cities and counties in litigation challenging the constitutionality of any seizure of the City's street maintenance funds by the State.

## **\*2.9 CLEAN TECHNOLOGY BUSINESS TAX EXEMPTION**

### **Introduce an Ordinance to Amend the Fremont Municipal Code Title V, Chapter 1, to Create an Exemption for Clean Technology Businesses from Payment of Business Taxes for a Defined Period of Time and Associated Minor Changes to the Business Tax Ordinance**

#### **Contact Person:**

Name:	Lori Taylor	Harriet Commons
Title:	Manager	Director
Dept.:	Economic Development	Finance
Phone:	510-284-4024	510-284-4010
E-Mail:	ltaylor@fremont.gov	hcommons@fremont.gov

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**Executive Summary:** On March 3, 2009, the Council approved a Local Business Stimulus Package designed to support existing businesses and to provide incentives for establishment of new businesses during the current economic downturn. As part of this package, the Council directed staff to return with a program to create a short term exemption from the payment of business taxes for “clean technology” firms.

**BACKGROUND:** The local Fremont economy is suffering due to the current financial crisis. A full range of industries has been impacted by the decrease in global demand for products as well as the tightening credit markets. One segment of the economy that has shown resilience has been emerging clean and green technology industries. Clean technology firms, or “clean tech” firms, are businesses whose operations result in an environmentally sensitive, low-emissions, and/or an energy efficient process, product or innovation. These firms provide a diverse range of products, services and process that harness renewable materials and energy sources, dramatically reduce the use of natural resources, and cut or eliminate emissions and wastes.

Investment in clean technology has grown considerably since the year 2000, most notably in Silicon Valley and the East Bay. In 2008, nearly 25% of the total venture capital funding for alternative energy in the United States was awarded to East Bay firms, with a significant amount of that awarded to Fremont firms. Due to the rapid growth of this industry, these firms have the ability to generate significant employment and revenues for their local city. For these reasons, many cities have developed programs to attract clean and green tech firms to locate within their community. While staff actively attempts to recruit these firms, there has been no ability to offer any financial incentives. Although Fremont is well positioned to attract clean tech businesses from an available space and workforce perspective, it is difficult to compare with other cities’ efforts and financial benefits. The proposed Ordinance would create an exemption that Fremont could use as a short-term incentive to promote economic growth and employment within the clean technology industry. In addition to these local economic impacts, it is also good environmental policy to promote emerging technologies to address environmental concerns. Last year, the City’s Green Task Force recommended developing policies to attract clean and green technology businesses to Fremont.

**DISCUSSION/ANALYSIS:** In order to attract new investment and promote expansion of existing clean technology firms, it is recommended the City Council adopt this Ordinance to temporarily exempt clean technology firms from payment of their business tax. Typically, these firms are start-ups with significant

capital expenditures and a relatively long horizon before profitability is reached. Accordingly, up-front costs are very important in the site-selection decision. The measure being recommended is to temporarily suspend the business tax payment for these firms as an incentive to locate in Fremont. While the amount of the business tax revenues generated by these firms is relatively minor, these firms typically generate significant overall revenue due to the sales tax for their equipment purchases, as well as property and use taxes. In addition to these direct impacts, the development of such an industry cluster provides significant employment opportunities, has benefits for related businesses (such as suppliers), and helps promote investment in Fremont's business parks, which lowers vacancy rates and maintains property values.

**Eligible Firms:** This business tax exemption would be granted to clean technology businesses that meet the definition of a research and development and/or manufacturing firm in which at least seventy five percent (75%) of all business activities carried on during the tax year are directly related to one or more of the following activities:

(A) research and development and/or associated manufacturing applying scientific advances to the production, distribution or storage of clean energy;

(B) research and development and/or associated manufacturing applying scientific advances to prototype or commercially viable materials and products powered by clean energy, including but not limited to single passenger vehicles and fueling infrastructure;

(C) research and development and/or manufacture of solar panels;

(D) research and development and/or associated manufacturing applying scientific advances to prototype or commercially viable techniques, materials and products that materially improve energy efficiency, water conservation or air quality; and

(E) research and development and/or associated manufacturing applying scientific advances to chemistry-based products and processes that use sustainable chemistry techniques to reduce or eliminate the use and generation of substances that are toxic to humans and the environment.

Under the ordinance, clean energy means energy produced by wind, solar power, landfill gas, geothermal resources, ocean thermal energy conversion, quantifiable energy conservation measures, tidal energy, wave energy, biomass, biofuels, or hydrogen fuels derived from renewable resources. It does not include the *installation* of clean energy technologies (such as solar panel installers), any fossil fuel based energy production, including but not limited to, clean coal, clean diesel, natural gas, and hydrogen from natural gas, any nuclear based energy production, or waste-to-energy production via combustion or incineration.

**Application Process:** Existing Fremont clean technology businesses that meet this definition would be eligible to apply, as would any new clean technology business that moves into Fremont before December 31, 2010. The one-page application process will be simple and will require that firms continue to complete the periodic Business Tax Return Renewal forms that are required of all Fremont businesses. An internal team (the "Clean Technology Business Review Team") comprised of

representatives from the Finance, Economic Development and Community Development Departments will review applications. The process will allow site visits and interviews to gather more information.

**Exemption Period:** While the ability to apply for the payroll tax exemption is being proposed for a short-term period - until December 31, 2010 - staff recommends firms that qualify for the exemption during this period be allowed to claim it for up to five consecutive years. As an incentive, it is much more attractive to offer a five year period of exemption, rather than a one or two year exemption. In addition, due to the business tax collection cycle, it is likely that a new firm recruited in 2010 would not owe significant business taxes during the first year. Because many of the significant costs of developing and operating a facility are paid in the early years of a new business, this exemption could help a firm as it starts its growth cycle before profitability. In addition, a longer exemption renewal period may promote longer leases, thereby keeping the business in Fremont.

In addition to the amendments to the business tax ordinance providing an exemption for clean technology businesses, staff is also proposing minor “housekeeping” revisions to other parts of the ordinance for purposes of updating and clarifying existing provisions. These include changes related to the terminology for the administrative rules governing the ordinance, changes to clarify the process of how the collector classifies businesses for purposes determining tax rate, and changes to provide for a uniform and final appeal process to the city manager of determinations made by the collector.

**FISCAL IMPACT:** The amount of the business tax revenues generated by these firms is relatively minor (last year, businesses classified as “clean tech” paid less than \$20,000 annually). If the program were established for up to five years, the impact to the General Fund over time may be as high as \$100,000. However, the potential benefits to the General Fund far outweigh this loss due to the potential for significant revenue generated by sales tax for equipment purchases, as well as property and use taxes, and business to business sales. For example, one local clean technology firm generates over \$250,000 in sales taxes annually to the City due to its operations.

**ENVIRONMENTAL REVIEW:** This ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guideline 15061(b)(3) in that it can be seen with certainty it will not have a significant effect on the environment.

**ENCLOSURES:** [Draft Ordinance](#)

**RECOMMENDATIONS:**

1. Hold public hearing.
2. Find the project exempt from the California Environmental Quality Act under CEQA Guideline 15061(b)(3) in that it can be seen with certainty it will not have a significant effect on the environment.
3. Waive full reading and introduce an Ordinance amending Title V of the Fremont Municipal Code by amending Chapter 1, the Business Tax Ordinance, to create a temporary exemption for clean technology businesses from payment of business taxes, and making minor amendments to the existing ordinance to update and clarify its provisions, as set forth in the draft ordinance attached hereto.
4. Direct staff to prepare and the city clerk to publish a summary of this ordinance.

## **6.1 Report Out from Closed Session of Any Final Action**

## **7.1 EAST-WEST CONNECTOR (ROUTE 84 OPTION 2) PROJECT – ADOPTION OF A RESOLUTION MAKING ENVIRONMENTAL FINDINGS, OVERRIDING CONSIDERATIONS AND APPROVING THE PROJECT**

### **Consideration of Adoption of a Resolution Making Environmental Findings, Statement of Overriding Considerations, and Project Approval for the East-West Connector (Route 84 Option 2) Project**

#### **Contact Person:**

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**EXECUTIVE SUMMARY:** At its June 2, 2009 meeting, the City Council accepted the East West Connector (EWC) Project Final EIR as complete and adequate and approved the EWC Project on the condition that the mitigation measures as described in the Final EIR are in fact included with Alameda County Transportation Authority's (ACTA) project approval in their Mitigation Monitoring Plan. The Council also requested that a list of additional studies that have to be done as the Project moves forward to the design stage be provided which ACTA has since prepared (see Enclosure 1). Finally, the Council asked that the Mitigation Monitoring Plan and the list of additional studies be brought to Council at the July 7<sup>th</sup> Council meeting along with the City's draft Findings of Fact and Statement of Overriding Considerations for Council review.

On June 25<sup>th</sup>, the ACTA Board adopted Resolution 2009-004 approving the Findings of Fact and Statement of Overriding Considerations (see Enclosure 2), the Mitigation Monitoring Plan (see Enclosure 3) and the EWC Project. In staff's opinion, all of the mitigation measures described in the Final EIR are included in the Mitigation Monitoring Plan adopted by ACTA. Therefore, staff recommends that as a Responsible Agency the Council adopt the draft resolution (see Enclosure 4) containing the environmental findings including the Findings of Fact and Statement of Overriding Considerations and approving the East-West Connector Project.

**BACKGROUND:** In 2006 the Memorandum of Understanding between Fremont, Union City, ACTA and Caltrans was approved in which Fremont agreed to fairly and openly consider the environmental review and project development of Option 2 (now called the East-West Connector Project); to support efforts to ensure that the environmental impact studies were conducted fairly and equitably, without bias for or against Fremont or Union City; and to formally consider the construction of Option 2 contingent upon review and acceptance of the environmental documents and mitigation measures.

ACTA prepared a Final Environmental Impact Report (EIR) for the East-West Connector Project to evaluate the potential environmental impacts of implementing the project and document mitigation measures. On May 28<sup>th</sup> the ACTA Board, as the lead agency for the project, certified the Final EIR. On June 2<sup>nd</sup> the Fremont City Council accepted the East West Connector (EWC) Project Final EIR as complete and adequate. On June 9<sup>th</sup> the Union City City Council also accepted the EWC Final EIR. On June 25<sup>th</sup> the ACTA Board approved the EWC Project and the associated environmental findings.

**Discussion:**

As a participant in the overall EWC Project, the City is a Responsible Agency as defined by the California Environmental Quality Act (CEQA). Accordingly, the City must consider the environmental document, determine if it is complete and adequate, prepare written findings for each significant environmental impact and each alternative identified in the EIR in accordance with the CEQA Guidelines to support a decision on a project. Further, because there are significant environmental effects that cannot be mitigated, if the project is to move forward, the Council must adopt a Statement of Overriding Considerations if the Council determines that the benefits of the Project outweigh the unavoidable impacts based on the Findings.

At its May 28<sup>th</sup> meeting, the ACTA Board certified the EWC Project Final EIR, but they were not asked to consider their Findings and Statement of Overriding Consideration or their Mitigation Monitoring Plan. Because the ACTA Board had not yet approved its Mitigation Monitoring Plan, the Council could not assume that ACTA would in fact adopt all of the mitigation measures included in the Final EIR. Therefore, at its June 2<sup>nd</sup> meeting, the Council approved the EWC Project on the condition that the mitigation measures as described in the Final EIR are in fact included with ACTA's project approval in their Mitigation Monitoring Plan. The Council also requested that they be provided with a list of additional studies that have to be done as the Project moves forward to the design stage. Finally, the Council asked that the Mitigation Monitoring Plan and the list of additional studies be brought to Council at the July 7<sup>th</sup> Council meeting along with the City's draft Findings of Fact and Statement of Overriding Considerations for Council review.

Since the June 2<sup>nd</sup> Council meeting, ACTA has prepared the list of additional studies as requested by Council (see Enclosure 1). In staff's opinion, the list is generally consistent with most large, complex projects that require multiple regulatory agency permits and which require additional detailed design and agency consultation before the permit is issued. This detailed work is almost always undertaken during final design after the EIR has been certified. ACTA has also completed its Findings of Fact and Statement of Overriding Considerations (see Enclosure 2) and their Mitigation Monitoring Plan (see Enclosure 3). These items were presented to the ACTA Work Program Committee on June 12<sup>th</sup> and they unanimously recommended that the ACTA Board adopt these documents and approve the EWC Project. On June 25, 2009 the ACTA Board adopted the Findings and Statement of Overriding Considerations, as well as the Mitigation Monitoring Plan, and approved the project.

Each of the items that Council requested on June 2<sup>nd</sup> has now been provided to the Council. In addition, staff has reviewed ACTA's Mitigation Monitoring Plan as approved by the ACTA Board and believe that all of the mitigation measures described in the Final EIR are included in the Mitigation Monitoring Plan. Therefore, based on the Council's June 2<sup>nd</sup> action, and because all of the Council's June 2<sup>nd</sup> conditions have been met, staff recommends that the Council adopt a Resolution (see Enclosure 4) making Responsible Agency Findings for the East West Connector Project including a Statement of Overriding Considerations (see Enclosure 5) and approve the East-West Connector Project.

**ENCLOSURES:**

- [List of Additional Studies](#)
- [ACTA's Findings of Fact and Statement of Overriding Considerations](#)
- [ACTA's Mitigation and Monitoring Plan](#)
- [Draft Resolution Making Fremont's Responsible Agency Findings & Approving the Project](#)

**RECOMMENDATION:**

1. Approve the East-West Connector Project
2. Adopt a Resolution Making Findings as a Responsible Agency Pursuant To California Environmental Quality Act For The East-West Connector Project (Route 84, Option 2) For Which Alameda County Transportation Authority (ACTA) Is The Lead Agency and Approving the Project.



## 7.2 AWARD SERVICE AGREEMENT FOR THE NILES TRAIN DEPOT PEDESTRIAN CROSSING STUDY

### Award Service Agreement for the Niles Train Depot Pedestrian Crossing Feasibility Study in the Amount of \$250,000 to Mark Thomas & Company

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**EXECUTIVE SUMMARY:** Staff recommends the City Council enter into an agreement with Mark Thomas & Company, Inc., to conduct a feasibility study for a proposed pedestrian crossing facility across the Union Pacific Railroad (UPRR) right-of-way and into the Niles downtown commercial district. The agreement would be for an amount not to exceed \$250,000. A crossing facility was anticipated in the 2001 Niles Concept Plan and would provide direct access across the railroad right-of-way from the site of the future Niles Canyon Railway Passenger Station to the Niles Town Plaza site. The study will evaluate the feasibility, costs and benefits of an at-grade or grade separated crossing within the UPRR and County railroad right-of-ways. The study is intended to assist the community, stakeholders, officials and staff in the determination of a preferred pedestrian crossing facility alternative. This action is the first step towards the creation of a pedestrian crossing that will connect the disembarking point of the Niles Canyon Railroad with the Niles business district and will eliminate the need for the Golden Spike Project's shuttle bus program.

**BACKGROUND:** The 2001 Niles Concept Plan calls for an at-grade crossing to be considered across the Niles Canyon Railroad right-of-way and the active Union Pacific Railroad right-of-way. Alameda County owns the right-of-way on the north side of the railroad tracks on which the Historic Niles Canyon Railway operates. The Pacific Locomotive Association (PLA) operates historic trains from Sunol to Niles along the scenic Niles Canyon route on weekends and holidays. The PLA is planning to enhance their service with a historic replica station and parking lot in Niles. The active Union Pacific line lies between the Niles Canyon rail line and Niles Boulevard. Currently, the public cannot legally cross the active Union Pacific line to access Niles Canyon Railway from Niles Boulevard, nor can disembarking passengers easily access Niles businesses. Passengers traveling between the Niles Canyon Railway passenger station and Niles Boulevard must use the Sullivan Underpass to cross under the UPRR tracks, a detour of approximately 2,200 feet, or use a shuttle bus service provided by the Golden Spike program, which is funded by the Redevelopment Agency and run by the Essanay Film museum.

The study will explore the potential crossing facility's alignment in consideration of the proposed Niles Canyon Railroad Development (including a new parking lot and passenger depot), as well as the Niles Town Plaza. Among the Consultant's first tasks will be discussing and requesting an at-grade crossing from Union Pacific Railroad and the California Public Utilities Commission (CPUC). Should an at-grade crossing prove infeasible, the study will explore a pedestrian overpass or underpass along the I Street alignment. The study will evaluate the costs and benefits of each alternative crossing facility judged to be feasible given constraints imposed by UP and the CPUC, along with a schematic design

sufficient to allow for selection of a preferred alternative. This study is intended to provide background information and recommendations to aid the community, stakeholders, officials and staff in the decision making process regarding the design and construction of a crossing.

The Agency currently funds the Golden Spike program run by the Niles Essanay Silent Film Museum, which provides shuttle service to passengers on the Niles Canyon Railroad with transportation from the disembarking point on the north side of the UP right of way to the businesses on Niles Boulevard. (A service agreement amendment to fund the program for FY 2009/10 is a separate item on this evening's Agency agenda.) Creation of a permanent pedestrian crossing would eliminate the need for the shuttle service and the Agency funding thereof.

**DISCUSSION/ANALYSIS:** On November 28, 2009, the City distributed a Request for Proposals (RFP) to 12 firms for the Niles Train Depot Pedestrian Crossing Feasibility Study. The scope of services for the study includes but is not limited to the following:

**Task 1: Data Gathering & Preliminary Analysis**

- 1.1 Kick-off Meeting
- 1.2 Base Map Compilation
- 1.3 Field Reconnaissance
- 1.4 Site Assessment
- 1.5 Preliminary Analysis of Crossing Facility Design & Alignment - Determination of Type of Crossing Facility
- 1.6 Administrative Feasibility Study Draft Report
- 1.7 Public, Stakeholder and Staff Meetings
- 1.8 Final Feasibility Study Report

**Task 2: Engineering Design/Report**

- 2.1 Engineering Design
- 2.2 Transportation Safety and Circulation Evaluation
- 2.3 Cost Estimates for Total Project Cost (Engineering, clean-up, permitting, construction, etc.)
- 2.4 Development of a Project Work Plan
- 2.5 Engineering Design – 10% Plans

The primary objective of the Feasibility Study Report is to establish a consensus among the stakeholders, community and City officials, in the design and alignment of a pedestrian crossing facility. Following the determination of the preferred crossing alternative at the end of Task 1, the Consultant will proceed with Task 2 for the selected alternative, including 10% conceptual design of the selected pedestrian facility. Upon completion of the conceptual design and continued community support, the City, at its discretion, will have the option to retain the Consultant to complete the 100% design by Council award of a contract amendment or contract with another firm.

On January 26, 2009, the City received six proposals for the project. Following evaluation of the six proposals, three firms were selected to participate in a panel interview and evaluation. On February 12, 2009, City staff conducted a panel interview with Rail Pros, Nolte Associates, Inc., and Mark Thomas & Company, Inc. The panel evaluated each firm's qualifications and experience as it pertains to the project scope in the following areas:

- The firms work experience with Union Pacific Railroad and California Public Utilities Commission
- Environmental and Permitting Process
- Public Relations Strategy in Developing Community Consensus
- Coordination with Utility Companies and/or multiple Agencies
- Evaluation of Traffic Circulation and Pedestrian Safety
- Developing Concepts and Architectural Design of Pedestrian Structures
- Knowledge and Experience in Managing, Designing and Construction of Railroad Pedestrian Crossing Facilities.

Following evaluation of the three firms, staff determined that Mark Thomas & Company demonstrated the required qualifications, experience and expertise needed to complete the project as outlined in the scope of work. Negotiations were conducted with Mark Thomas and after refinement of the scope of work, the Consultant agreed to perform the work for an amount not to exceed \$250,000. Mark Thomas has assembled a qualified team of engineers, planners, architects, a railroad expert, an environmental specialist, a hazardous materials consultant, a geotechnical consultant and a public relations specialist which staff believes has the expertise and qualifications to deliver the services described in the scope of work. Staff recommends that the City execute a service agreement with Mark Thomas to perform the Niles Train Depot Pedestrian Crossing Feasibility Study.

**FISCAL IMPACT:** The cost of the contract is not to exceed \$250,000. Funding for the proposed service agreement is available in the Niles Historic Train & Pedestrian Access line item (951RDA2120).

**ENVIRONMENTAL REVIEW:** Per CEQA Guideline 15262, feasibility studies are not subject to environmental review. Therefore no environmental review is required at this time.

**ENCLOSURE:** [Area Aerial View](#)

#### **RECOMMENDATIONS:**

1. Authorize the City Manager, or his designee, to execute a Professional Services Agreement in the amount not to exceed \$250,000 with Mark Thomas & Company, Inc., for the Niles Train Depot Pedestrian Crossing Feasibility Study; and
2. Transfer appropriation of \$250,000 from 951 RDA 2120 to 951 PWC 8715.

### 7.3 CONTINUED DISCUSSION OF VISION AND FRAMEWORK FOR GENERAL PLAN 2030

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**PURPOSE OF THE DISCUSSION:** The purpose of the discussion is to:

- 1) Present and discuss the draft outline or “Table of Contents” for General Plan 2030;
- 2) Present information and seek Council direction on identified opportunity areas in the City.

**BACKGROUND:** As part of recent discussions with the City Council regarding the development of a draft General Plan, Council provided direction regarding its vision. Council also directed staff to present a draft outline of the General Plan to illustrate how sustainability will be incorporated and how related topics such as Land Use, Transportation, and Community Character will be linked. In addition, Council directed staff to facilitate discussions on specific geographic areas likely to undergo significant change between now and 2030.

The Work Session on July 7 will involve a discussion about the General Plan “Table of Contents”. The Session will also include discussion about three opportunity areas: Mowry East area, properties at the terminus of Shinn Street and the Grimmer Boulevard corridor. The Session was originally scheduled for June 23 and was continued. Property owners have been notified.

**REQUESTED OUTCOMES:**

1. Receive presentation.
2. Receive public comment.
3. Provide general direction to staff.

**ENCLOSURES:**

- [Draft Table of Contents](#)
- [Opportunity Areas Diagram](#)

**8.1 Council Referrals – None.**

**8.2 Oral Reports on Meetings and Events**



## ACRONYMS

ABAG .....	Association of Bay Area Governments	FUSD .....	Fremont Unified School District
ACCMA .....	Alameda County Congestion Management Agency	GIS .....	Geographic Information System
ACE .....	Altamont Commuter Express	GPA .....	General Plan Amendment
ACFCD .....	Alameda County Flood Control District	HARB .....	Historical Architectural Review Board
ACTA .....	Alameda County Transportation Authority	HBA .....	Home Builders Association
ACTIA .....	Alameda County Transportation Improvement Authority	HRC .....	Human Relations Commission
ACWD .....	Alameda County Water District	ICMA .....	International City/County Management Association
BAAQMD .....	Bay Area Air Quality Management District	JPA .....	Joint Powers Authority
BART .....	Bay Area Rapid Transit District	LLMD .....	Lighting and Landscaping Maintenance District
BCDC .....	Bay Conservation & Development Commission	LOCC .....	League of California Cities
BMPs .....	Best Management Practices	LOS .....	Level of Service
BMR .....	Below Market Rate	MOU .....	Memorandum of Understanding
CALPERS .....	California Public Employees' Retirement System	MTC .....	Metropolitan Transportation Commission
CBD .....	Central Business District	NEPA .....	National Environmental Policy Act
CDD .....	Community Development Department	NLC .....	National League of Cities
CC & R's .....	Covenants, Conditions & Restrictions	NPDES .....	National Pollutant Discharge Elimination System
CDBG .....	Community Development Block Grant	NPO .....	Neighborhood Preservation Ordinance
CEQA .....	California Environmental Quality Act	PC .....	Planning Commission
CERT .....	Community Emergency Response Team	PD .....	Planned District
CIP .....	Capital Improvement Program	PUC .....	Public Utilities Commission
CMA .....	Congestion Management Agency	PVAW .....	Private Vehicle Accessway
CNG .....	Compressed Natural Gas	PWC .....	Public Works Contract
COF .....	City of Fremont	RDA .....	Redevelopment Agency
COPPS .....	Community Oriented Policing and Public Safety	RFP .....	Request for Proposals
CSAC .....	California State Association of Counties	RFQ .....	Request for Qualifications
CTC .....	California Transportation Commission	RHNA .....	Regional Housing Needs Allocation
dB .....	Decibel	ROP .....	Regional Occupational Program
DEIR .....	Draft Environmental Impact Report	RRIDRO .....	Residential Rent Increase Dispute Resolution Ordinance
DO .....	Development Organization	RWQCB .....	Regional Water Quality Control Board
DU/AC .....	Dwelling Units per Acre	SACNET .....	Southern Alameda County Narcotics Enforcement Task Force
EBRPD .....	East Bay Regional Park District	SPAA .....	Site Plan and Architectural Approval
EDAC .....	Economic Development Advisory Commission (City)	STIP .....	State Transportation Improvement Program
EIR .....	Environmental Impact Report (CEQA)	TCRDF .....	Tri-Cities Recycling and Disposal Facility
EIS .....	Environmental Impact Statement (NEPA)	T&O .....	Transportation and Operations Department
ERAF .....	Education Revenue Augmentation Fund	TOD .....	Transit Oriented Development
EVAW .....	Emergency Vehicle Accessway	TS/MRF .....	Transfer Station/Materials Recovery Facility
FAR .....	Floor Area Ratio	UBC .....	Uniform Building Code
FEMA .....	Federal Emergency Management Agency	USD .....	Union Sanitary District
FFD .....	Fremont Fire Department	VTa .....	Santa Clara Valley Transportation Authority
FMC .....	Fremont Municipal Code	WMA .....	Waste Management Authority
FPD .....	Fremont Police Department	ZTA .....	Zoning Text Amendment
FRC .....	Family Resource Center		

**UPCOMING MEETING AND CHANNEL 27  
BROADCAST SCHEDULE**

<i><b>Date</b></i>	<i><b>Time</b></i>	<i><b>Meeting Type</b></i>	<i><b>Location</b></i>	<i><b>Cable Channel 27</b></i>
July 14, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 21, 2009	6:00 p.m.	Work Session	Council Chambers	Live
July 28, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
August		Council Recess		
September 1, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 8, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 15, 2009	TBD	Work Session	Council Chambers	Live
September 22, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 5, 2009 (Monday)	4:00 p.m.	Joint City Council/FUSD Mtg.	Council Chambers	Live
October 6, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 13, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 20, 2009	TBD	Work Session	Council Chambers	Live
October 27, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 3, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 10, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 17, 2009	7:00 p.m.	Work Session	Council Chambers	Live
November 24, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live